

Fact Sheet

Hazardous and Solid Waste Amendments Portion of the Final Resource Conservation and Recovery Act Draft Permit for Storage of Mixed Waste

United States Department of Defense
Department of the Navy
For the
Bremerton Naval Complex
WA2 1700 23418
May 5, 2006

This fact sheet has been developed by the United States Environmental Protection Agency (EPA) Region 10. Its purpose is to discuss the Hazardous and Solid Waste Amendments of 1984 (HSWA) portion of the Resource Conservation and Recovery Act (RCRA) permit for the management of mixed and dangerous/hazardous waste at Bremerton Naval Complex (BNC) in Bremerton, Washington, owned and operated by the United States Department of Defense, Department of the Navy. The HSWA portion of the draft permit addresses requirements which are applicable to the BNC, but which have not yet been delegated by EPA to the Washington State Department of Ecology (Ecology). As of the date of this draft permit, the only HSWA requirements in effect and not delegated to Ecology are those relating to waste minimization requirements.

Purpose of the Permitting Process

The purpose of the permitting process is to impose on a site-specific basis the requirements necessary for a facility to comply with the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 United States Code (U.S.C.) §§ 6901 *et seq.*, and the regulations promulgated thereunder in Title 40 of the Code of Federal Regulations (CFR), and the applicable provisions of the Revised Code of Washington (RCW) Chapter 70.105 and the regulations promulgated thereunder in the Washington Administrative Code (WAC) Chapter 173-303. The draft RCRA permit for the BNC consists of two components – the Dangerous Waste portion issued by Ecology pursuant to WAC 173-303-806, and this HSWA portion issued by EPA pursuant to 40 CFR Part 270. EPA and Ecology have elected to separately issue draft permits for the BNC under the respective authorities of the two agencies. These draft permits are based on applications provided to the agencies by the facility, and the associated administrative records. When finalized, these two permit components will together constitute the final RCRA permit for the BNC.

Authority for Waste Minimization Permitting

On November 4, 1984, the President signed into law the Hazardous and Solid Waste Amendments of 1984, which amended the Resource Conservation and Recovery Act. HSWA requires EPA to, among other requirements, include waste minimization permit conditions into all permits issued after November 4, 1984, pursuant to regulations promulgated at 40 CFR

264.73(b)(9). Ecology has not yet been delegated authority by EPA to issue waste minimization permit conditions.

If finalized, waste minimization requirements pursuant to HSWA in the draft RCRA permit will be enforced by EPA until Ecology receives authorization to administer and enforce such authorities and requirements, and modifies the state-issued component of the BNC RCRA permit. Ecology has received final authorization to administer all other HSWA requirements, which are addressed in the Ecology-issued portion of the draft BNC permit.

Procedures for Reaching a Final Decision

EPA is required to prepare a proposed notice of their intent to issue a final RCRA permit, and to seek public comment on the draft permit and this fact sheet. Section 7004(b) of RCRA, 42 U.S.C. § 6974(b), (40 CFR § 124.10) requires that the public be given a minimum of forty-five (45) days to comment on each proposed permit determination. EPA and Ecology have established a joint public notice and comment period for their respective draft permits, running from xxx to xxx.

EPA has not scheduled a public hearing for this permit action. During the public comment period provided under §124.10, any interested person may submit written comments on the draft permit and may request a public hearing. A request for a public hearing must be in writing and must state the nature of the issues proposed to be raised in the hearing. According to 40 CFR 124.12, EPA will hold a public hearing if, on the basis of written requests, it finds a significant degree of public interest or there is notice of opposition to a draft permit.

EPA will consider all comments in making the final permit decision and will document its findings according to 40 CFR 124.17 in a response to comments document which will be available in the administrative record.

Facility Description and Description of the Mixed Waste Storage Facility (MWSF)

The Bremerton Naval Complex is composed of three major Naval Commands: The Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS & IMF); Naval Station Bremerton (NSB); and the Fleet and Industrial Supply Center (FISC). Overall environmental responsibility, including responsibility for mixed (radioactive and dangerous) wastes, for the BNC resides with PSNS & IMF. The BNC is located on the north side of Sinclair Inlet, with its northern boundary forming the southern boundary of the City of Bremerton.

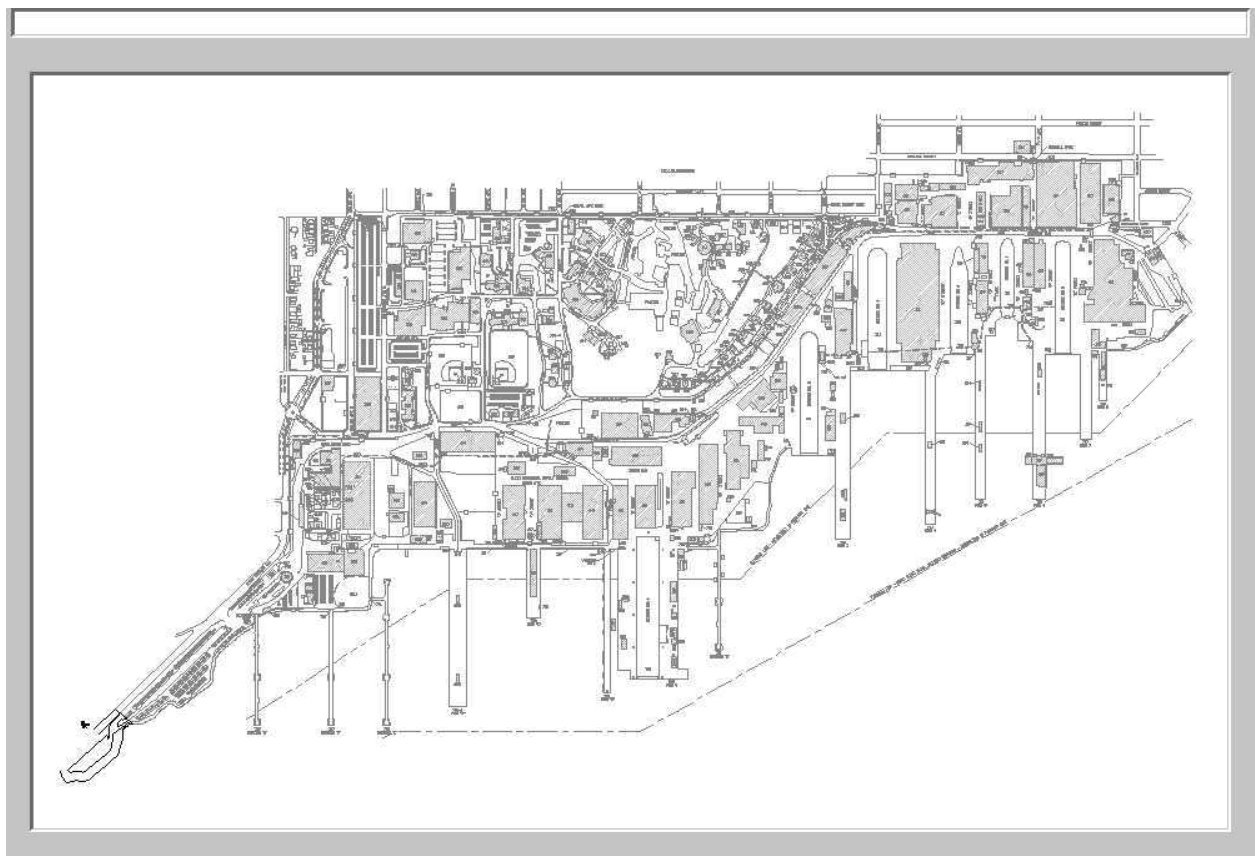
The main function of PSNS & IMF is to perform work on all types of naval ships, such as overhauls, repairs, conversions, refurbishment, refueling, recycling, manufacturing, research, development and testing.

The main function of the Bremerton Naval Complex is to support home ported naval ships, which includes housing, recreational and retail facilities for naval personnel. In addition to supporting home ported ships, BNC also hosts the Naval Inactive Ships Maintenance Facility.

Fleet Industrial Supply Center's main function is to purchase, store and distribute supplies to the fleet and naval bases.

The mixed waste storage facility, Building 1002, is located within the PSNS & IMF portion of the BNC. For purposes of permitting, EPA considers the facility to be the Bremerton Naval Complex. This definition of facility is consistent with the regulatory definition of "facility" at 40 CFR 260.10. Although the only significant long-term on-going hazardous/dangerous waste treatment, storage and disposal activities are expected to be storage of mixed waste at Building 1002, other generator activities are expected to occur on areas of the BNC outside of the PSNS & IMF portion of the facility. A map showing the location of the BNC and PSNS & IMF is included below. An electronic copy of this map which can be viewed with greater resolution is posted on the EPA website noted below under "Availability of Documents for Public Review."

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Technical standards relating to mixed and dangerous/hazardous waste management at the BNC are addressed in the draft permit separately issued by Ecology. With respect to the draft HSWA permit issued by EPA, the following information concerning the storage unit and the mixed wastes stored in it is provided as general description of the facility and related waste management activities.

The MWSF, Building 1002, is a rectangular building, 54 feet by 42 feet in size, located south of Farragut Avenue between Buildings 818 and 455 within PSNS & IMF.

The MWSF was designed and constructed specifically to store mixed waste in accordance with requirements of Ecology's authorized dangerous waste program found at WAC 173-303. As regulated federally by EPA, the term "mixed waste" means wastes that contains both a non-radioactive hazardous component as defined by 40 CFR 261 and, as defined by 10 CFR 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. §2011 et seq.). In the State of Washington, the term "mixed waste" means a dangerous, extremely hazardous or acutely hazardous waste that contains both a non-radioactive hazardous component and a component that is source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 as amended (42 U.S.C. §2011 et seq.). The MWSF is strictly a storage area with no capabilities for treatment. Currently, it is storing small amounts of mixed waste generated as a result of radiological work on nuclear powered vessels, in support of the Naval Nuclear Propulsion Program (NNPP). Mixed wastes can be received from active ships; generated from shipyard production work including removal and installation of components on ships; on-ship and off-ship repair of components; and decommissioning and recycling of ships. The MWSF also receives waste generated during shipyard waste processing, laboratory analysis, and facility demolition. In addition, the facility accepts small amounts of mixed waste from off-site Navy facilities that generate NNPP waste. Mixed waste stored in the MWSF consists primarily of solid material containing Washington state regulated metals (e.g., lead, chromium, cadmium). A typical bag of waste stored in the MWSF contains approximately 0.2 µCi of radioactivity. This is about one-fifth the amount of radioactivity in a 50-lb bag of common lawn and garden fertilizer.

The PSNS & IMF Site Treatment Plan (STP), describing the content and processing of mixed wastes generated, is updated yearly and provided to Ecology for review. PSNS & IMF has a comprehensive program to minimize the generation of mixed waste and to ship it for offsite treatment and disposal as soon as practicable.

Hazardous and Solid Waste Amendments Permit Requirements

The EPA-issued draft permit for the BNC addresses waste minimization, the only HSWA requirement not yet delegated to Ecology, in permit condition II.A. This permit condition is drafted to directly reflect the underlying regulatory authority of 40 C.F.R. 264.73(b)(9). EPA has also included permit condition II.B, based on the record-keeping authority of 40 C.F.R. 264.73(a). This operating record/record-keeping requirement is narrowly tailored to relate only to waste minimization requirements. Other operating record requirements associated with facility operations under the BNC RCRA permit are addressed in the Ecology-issued component of the RCRA permit pursuant to Ecology's authorized dangerous waste program. The facility may elect to maintain a single operating record to satisfy requirements of the EPA and Ecology components of the RCRA permit. EPA believes this is entirely appropriate, provided that the facility maintain an index or other documentation of which record entries satisfy the respective permit conditions.

EPA is also including general permit conditions in Section 1 pursuant to 40 C.F.R. §270.30. Only those provisions of this section relevant to waste minimization requirements have been included. EPA has reviewed these general conditions with the intent of ensuring consistency between them and corresponding general permit conditions in the permit component prepared by Ecology, consistent with the respective underlying regulatory authorities. All other provisions of 40 C.F.R. §270.30 related to facility operations are addressed in the Ecology-issued component of the RCRA permit pursuant to Ecology's authorized dangerous waste program.

EPA has included a definition of facility in the draft permit to clarify the scope of authority of the HSWA permit. Although the PSNS & IMF command has overall environmental responsibility for the BNC, including operation of the mixed waste storage facility, activities which may reasonably be expected to be within the scope of the waste minimization "program in place" required by the EPA-issued HSWA permit may occur throughout the BNC. Therefore, EPA is establishing the entire BNC as the facility for purposes of the HSWA permit. This definition satisfies the definition of facility for purposes of permitting at 40 CFR 260.10, and is consistent with the corresponding definition of facility in the Ecology component of the RCRA permit.

The BNC has partially completed transfer of certain properties originally part of the facility to the City of Bremerton. Two of four parcels (Parcels "A" and "B" in Permit Attachment 1, Figure 2) have already been transferred, with the remaining two (Parcels "C" and "D" in Permit Attachment 1, Figure 2) expected to be formally transferred shortly after the expected effective date of the RCRA permit. Because these transfers have been agreed to and documented by the BNC and the City, but not yet formally completed, EPA is including in the definitions section of the permit and permit condition II.C a mechanism to document and incorporate into the permit this expected change. While this change in the facility is not expected to have any effect whatsoever on waste minimization activities covered by this permit, EPA is soliciting comment of this proposed self-implementing mechanism.

EPA is establishing the Department of Defense, Department of the Navy as the permittee. 40 CFR 270.1(c) requires that owners and operators of hazardous waste management units must have permits during the active life of the unit. The definitions of "owner" and "operator" in 40 CFR 260.10 and 270.2 establish that "owner" and "operator" must be a "person." These same definition sections establish that a "person," in the context of the BNC, is a Federal agency. As a federal agency, the Department of Defense, Department of the Navy is therefore the appropriate entity as permittee for this permit action.

PSNS & IMF submitted its Part B permit application based on its responsibility for radioactive and dangerous waste generated within the BNC boundary. In this capacity, PSNS & IMF represents the Department of Defense, Department of the Navy, the federal agency ultimately responsible for ensuring compliance with the terms of the HSWA permit. The PSNS & IMF representative is also the signatory representing the Permittee with respect to reports and certifications required by this permit, consistent with the signatory requirements of 40 CFR §270.11(a)(3).

Considerations under Federal Law

40 CFR §270.3 requires EPA to consider a number of Federal laws that may apply to the issuance of a permit under the provisions of 40 CFR Part 270. These laws include The Wild and Scenic Rivers Act, 16 U.S.C. §1273 *et seq.*, The National Historic Preservation Act of 1966, 16 U.S.C. §470 *et seq.*, The Endangered Species Act, 16 U.S.C. §1531 *et seq.*, The Coastal Zone Management Act, 16 U.S.C. §1451 *et seq.*, and The Fish and Wildlife Act, 16 U.S.C. §661 *et seq.* EPA finds that none of these Federal laws are applicable to the activities covered by this permit. Therefore, these laws do not require consideration or adoption of particular permit conditions or require denial of the permit application for the BNC.

Availability of Documents for Public Review

The draft HSWA permit for the BNC has been prepared by EPA based on information in the permit administrative record. The administrative record, including the permit application submitted by the PSNS & IMF command of the BNC, and this fact sheet, may be reviewed between the hours of 8:30 am and 4:30 pm, Monday through Friday exclusive of federal holidays, at the following locations:

Bremerton
Kitsap Regional Library
Sylvan Way Library
1301 Sylvan Way
Bremerton, Washington 98310
(360) 405-9100
<http://www.krl.org/>

Richland
Washington Department of Ecology
Nuclear Waste Program
3100 Port of Benton Boulevard
Richland, Washington 99354
(509) 372-7920
Attn: Valarie Peery
E-mail: vpee461@ecy.wa.gov

The draft permit and this fact sheet may also be viewed on the World Wide Web at <http://www.epa.gov/region10/psnspermit.htm>.

Any person desiring further information copies or portions of the administrative record, or wishing to schedule an appointment to review the record should contact Dave Bartus at (509) 372-7938 or Bartus.dave@epa.gov. Comments in electronic format may be sent to the indicated address. Written comments or requests for a public hearing should be sent to:

Dave Bartus
c/o Washington State Department of Ecology
3100 Port of Benton Blvd.
Richland, WA 99354